

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 5/24/2012

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Eminent domain proceedings for Church Street Phase I.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for rights of way, permanent easements, temporary easements upon certain tracts of land for the Church Street Project, Phase I.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 5-17-12

**RESOLUTION NO. 12-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn several rights of way, permanent easements, and/or corresponding temporary construction easements, on, over and upon the following described parcels of land, and including uneconomic remnant tracts, if any, viz:

See Exhibits "A-1" through "A-29," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map for each parcel follows the parcel description(s) for each respective tract.

2. That the obtainment of the foregoing property is necessary for the Church Street Project, Phase I, Project No. STPHV-4500(200), which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause said above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the said above described property for said City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of the said property pursuant to the eminent domain code are hereby ratified.

6. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the said Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the

acquisition of said properties by the exercise of the right of eminent domain.

**ADOPTED** this the 24th day of May, 2012.

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President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 24th day of May, 2012.

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Tommy Battle  
Mayor of the City of Huntsville,  
Alabama